May 27, 2005

MEMORANDUM TO: Robert C. Pierson, Director
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards

Ernest William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety and Safeguards

Larry W. Camper, Director
Division of Waste Management and Environmental Protection
Office of Nuclear Material Safety and Safeguards

Patricia K. Holahan, Director
Division of Industrial Medical and Nuclear Safety
Office of Nuclear Material Safety and Safeguards

Ledyard B. Marsh, Director
Division of Licensing Project Management
Nuclear Reactor Regulation

David Matthews, Section Chief
Division of Regulatory Improvement Program
Nuclear Reactor Regulation

FROM: Glenn Tracy, Director **/RA by D Dorman for G.Tracy/**
Division of Nuclear Security
Office of Nuclear Security and Incident Response

SUBJECT: UPDATING THE ELIGIBLE FACILITIES LIST (G20050300)

On April 14, 2005, the U.S. Nuclear Regulatory Commission (NRC) received a request from the U.S. Department of State (DOS) for NRC to update the NRC portion of the U.S. Eligible Facilities List. Under the U.S.-International Atomic Energy Agency (IAEA) Safeguards Agreement, the United States is required to provide the IAEA with a list of all U.S. facilities not associated with activities with direct national security significance. The NRC is responsible for maintaining the list of all eligible NRC-licensed facilities ["installations" as defined by 10 CFR 75.4(k)][1].

[1] Installation means: (1) a production facility or utilization facility; (2) a uranium hexafluoride production plant; (3) a fuel fabrication plant; (4) an independent spent fuel storage installation; (5) any facility used for separating the isotopes of uranium or enriching uranium; or (6) any location licensed to possess one or more effective kilogram of nuclear material.

The Eligible Facilities List was last updated by the NRC in January 2003. The structure of the list was recently revised to facilitate placing the list on the NRC's public website. During the process of revising the list, Nuclear Security and Response Incident (NSIR) staff noted that information from the last update did not agree with information contained in the "NRC Information Digest, 2004-2005 Edition." The staff has attempted to bring the information on the listed facilities into agreement with the Information Digest; however, it is noted that there are facilities in the "Information Digest" that are not currently on the Eligible Facilities List and facilities on the Eligible Facilities List that are not in the "Information Digest." You are requested to ensure that there are valid reasons for the exclusion (e.g., national security exclusion) or inclusion (e.g., receipt of license application) for each NRC-licensed facility. Also, please ensure that there is consistency between the U.S. Eligible Facilities List and other public documents since a new treaty – the Additional Protocol to the U.S.– IAEA Safeguards Agreement is about to come into force.

Your staff is requested to carefully review the attached NRC-portion of the U.S. Eligible Facilities List to ensure its completeness and accuracy. The list is divided into the following nine sections: 1) Operating Commercial Nuclear Power Reactors; 2) Commercial Nuclear Power Reactors Under Construction with Application for an Operating License; 3) Research Reactors and Critical Assemblies; 4) Conversion Plants; 5) Fuel Fabrication and Processing Plants; 6) Separate Storage Facilities; 7) Other Nuclear Activities; 8) Enrichment Plants; and 9) Source Material Facilities. Installations that should be identified for potential inclusion in the list are: 1) installations that have been issued a license; 2) entities that have submitted a license application; or 3) entities with whom the NRC is in discussions concerning future licensing actions. Installations that should be identified for removal from the list are: (1) those installations for which their NRC license has been terminated and (2) those installations undergoing decommissioning where all stored nuclear materials and equipment have been removed. Should your staff identify any facilities for potential inclusion or removal, you are requested to note the reason for the proposed addition or removal.

Please respond in writing to Brian Horn with the necessary corrections by June 10, 2005. Should you have any questions on the list or this request, please direct them to Brian Horn or Bruce Moran at telephone numbers 415-8128 and 415-7871, respectively.

Thank you for your cooperation.

Attachment: List of NRC-Licensed Facilities Eligible for IAEA Safeguards.

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